

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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|---------------------------------|---|---------------------------|
| QUALITY INVESTMENT PROPERTIES |) | Case No.: 09-CV-05376-LHK |
| SANTA CLARA, LLC, |) | |
| |) | FINAL PRETRIAL CONFERENCE |
| Plaintiff, |) | ORDER |
| v. |) | |
| |) | |
| SERRANO ELECTRIC, INC., et al., |) | |
| |) | |
| Defendants. |) | |

Clerk: Martha Parker Brown
Reporter: Lee-Anne Shortridge

Plaintiff's Attorneys: Joel Long, James P. Diwik, and Maria G. Giardina
Defendants' Attorneys: Charles Horn and Jill Kristin Rizzo for Serrano Electric, Inc.; Donald Carlson and Katherine Higgins for Peterson Power Systems, Inc.

A final Pretrial Conference was held on Friday, September 23, 2011.

JURY BOOKS: The parties shall deliver the jury books to Chambers by the end of the day on Friday, September 23, 2011.

VERDICT FORMS: The parties failed to file a joint verdict form as ordered by the Court on September 14, 2011. The parties shall file a joint verdict form by September 24, 2011.

PLAINTIFF'S PROPOSED JURY INSTRUCTION: The Court will tentatively allow Plaintiff's proposed instruction based on BAJI 4.45.

KINRICH AMENDED EXPERT REPORT: The Court addressed Defendants' objections to Mr. Kinrich's expert report as follows:

- Footnote 26 shall be stricken, per Plaintiff's concession.
- The Court sustains the remaining objections. By September 24, 2011, Plaintiff shall identify for Defendants, the Bates Numbers of the documents on which Paragraph 39; Exhibits 4-5; and Exhibit 6 & Note 26 of the Amended Kinrich Report rely. By September 25, 2011, the Defendants shall file any opposition.

WITNESS LIST: Plaintiff's motion for leave to amend is denied for failure to show good cause for not complying with this Court's Guidelines for Final Pretrial Conference in Jury Trials.

VIDEO FOR OPENING STATEMENT: Quality will give Defendants' access to its premises for the purpose of filming a video to use for opening statement on Sunday, September 24, 2011.

DESIGNATION OF EXCERPTS OF DEPOSITION TESTIMONY AND OBJECTIONS: The parties agreed that the parties have withdrawn objections to deposition testimony as to all witnesses except Mr. Robert Baron Duffy and Kenneth Giese's second day of deposition. The parties shall meet and confer to reduce the number of outstanding objections and file a joint list of designations and objections with the Court on September 25, 2011, for Mr. Duffy, and on October 2, 2011, for Mr. Giese. The parties shall also email a Word or Excel formatted chart with columns for deposition designations, objections, and a blank column.

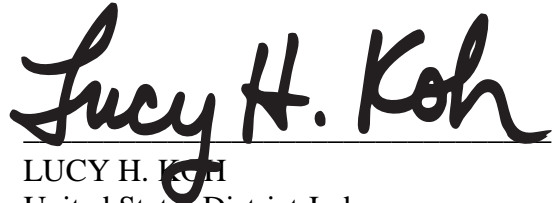
The following trial dates are modified:

Tuesday, September 27: 9:00 a.m.-12:00 p.m., 1:00 p.m.-2:30 p.m.
Tuesday, October 11: 9:00 a.m.-12:00 p.m., 1:00 p.m.-4:00 p.m.

The parties informed the Court that settlement discussions are ongoing. If the parties settle after 4:30 p.m. on Sunday, September 25, 2011, the parties will be ordered to pay the juror fees of \$40/day/juror and mileage reimbursement.

IT IS SO ORDERED.

Dated: September 23, 2011



LUCY H. KOH

United States District Judge